

34A-1-309 Attorney fees.

- (1) In a case before the commission in which an attorney is employed, the commission has full power to regulate and fix the fees of the attorney.
- (2) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, an attorney may file an application for hearing with the Division of Adjudication to obtain an award of attorney fees as authorized by this section and commission rules.
- (3)
 - (a) The commission may award reasonable attorney fees on a contingency basis when there is generated:
 - (i) disability or death benefits; or
 - (ii) interest on disability or death benefits.
 - (b) An employer or its insurance carrier shall pay attorney fees awarded under Subsection (3)(a) out of the award of:
 - (i) disability or death benefits; or
 - (ii) interest on disability or death benefits.
- (4)
 - (a) In addition to the attorney fees ordered under Subsection (3), the commission may award reasonable attorney fees on a contingency basis for medical benefits ordered paid in the same percentages for an award under Subsection (3) provided for in rule made by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if:
 - (i) medical benefits are not approved by:
 - (A) the employer or its insurance carrier; or
 - (B) the Uninsured Employer's Fund created in Section 34A-2-704;
 - (ii) after the employee employs an attorney, medical benefits are paid or ordered to be paid;
 - (iii) the commission's informal dispute resolution mechanisms are reasonably used by the parties before adjudication; and
 - (iv) the sum of the following at issue in the adjudication of the medical benefit claim is less than \$4,000:
 - (A) disability or death benefits; and
 - (B) interest on disability or death benefits.
 - (b) An employer or its insurance carrier shall pay attorney fees awarded under Subsection (4)(a) in addition to the payment of medical benefits ordered.

Amended by Chapter 216, 2009 General Session